Notice of Allowability	Application No.	Applicant(s)	
	10/626,412	GIBBS, DANIEL B.	
	Examiner	Art Unit	
	Jeanette E. Chapman	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *THE EXAMINER'S AMENDMENT OF 8/15/07*.

2. ☒ The allowed claim(s) is/are *1-5, 7-12 and 14-26*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

JEANETTE CHAPMAN
PRIMARY EXAMINER
ART UNIT 3635

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Leslie miller on 8/15/07 and a proposed amendment on 8/13/07.

The application has been amended as follows:

1. (Currently Amended) An apparatus for setting and maintaining the dimensions of a door frame having opposing first and second sidewalls each having a doorstop mounted thereupon, comprising:

a first head plate including a first facing edge for engagement with a first sidewall of a door frame, said first facing edge having a notch located therein for admitting a first doorstop mounted on the first sidewall of the door frame;

a first arm connected to said first head plate at a side opposite said first facing edge;

a second head plate including a second facing edge for engagement with a second sidewall of the door frame, said second facing edge having a notch located therein for admitting a second doorstop mounted on the second sidewall of the door frame;

a second arm connected to said second head plate at a side opposite said second facing edge, said second arm being adjustably engageable with said first arm, one of said first arm and said second arm including a plurality of indexing apertures located at uniformly longitudinally spaced-apart positions on said one of said first arm and said second arm; and

an adjustment mechanism associated with the other of said first arm and said second arm, said adjustment mechanism comprising at least one retractably engageable member for selectively releasable engagement with a selected one of said plurality of uniformly longitudinally spaced-apart indexing apertures to lock said first arm in a corresponding one of a plurality of discrete uniformly longitudinally spaced-apart positions relative to said second arm to thereby establish the distance between said first and second facing edges, wherein said plurality of discrete uniformly longitudinally spaced-apart positions allowing said apparatus to be used to facilitate the installation of door frames to accommodate doors having one of a plurality of standard widths.

2. (Original) The apparatus as defined in Claim 1, wherein at least one of said first arm and said second arm includes measuring indicia located thereon.

3. (Original) The apparatus as defined in Claim 2, wherein said measuring indicia are longitudinally spaced at two-inch intervals along one of said first arm and said second arm.

4. (Currently Amended) The apparatus as defined in Claim 1, wherein said plurality of uniformly longitudinally spaced-apart indexing apertures comprise a series of diametrically opposed pairs of indexing apertures, wherein each of said diametrically

opposed pair of indexing apertures is uniformly spaced-apart from each adjacent diametrically opposed pair of indexing apertures.

5. (Currently Amended) The apparatus as defined in Claim 4, wherein said other of said first arm and said second arm comprises a pair of diametrically opposed apertures defined transversely therethrough, said adjustment mechanism comprising a pair of retractably engageable members located in said pair of diametrically opposed apertures, said retractably engageable members being biased to retractably extend through said pair of diametrically opposed apertures and retractably engage a selected pair of said uniformly longitudinally spaced-apart diametrically opposed pairs of indexing apertures in said one of said first arm and said second arm.

6. (Cancelled).

7. (Original) The apparatus as defined in Claim 6, wherein said first head plate further includes a positioning finger extending outward from a side of said facing edge in a direction opposite said connection to said first arm, and wherein said second head plate further includes a positioning finger extending outward from a side of said facing edge in a direction opposite said connection to said second arm.

8. (Previously Presented) The apparatus as defined in Claim 6, wherein said first arm is telescopically engaged with said second arm, at least a portion of said one of said first arm and said second arm fitting within said other of said first arm and said second arm.

9. (Original) An apparatus for setting and maintaining the dimensions of a door frame, comprising:

a first head plate, wherein said first head plate includes a facing edge defining a notch and a positioning finger extending outward from a side of said facing edge;

a first hollow arm, said first hollow arm having a first end and a second end, wherein said first end is connected to said first head plate opposite said notch;

a second head plate, wherein said second head plate includes a facing edge defining a notch and a positioning finger extending outward from a side of said facing edge;

a second hollow arm, said second hollow arm having a first end and a second end, wherein said first end is connected to said second head plate opposite said notch, and wherein said first hollow arm and said second hollow arm are telescopically engaged at said second ends;

a plurality of uniformly longitudinally spaced-apart pairs of diametrically opposed apertures longitudinally spaced along a length of said second hollow arm;

measuring indicia located on said second hollow arm and corresponding to each of said plurality of pairs of diametrically opposed apertures; and

an adjustment mechanism disposed within said second end of said first hollow arm, said adjustment mechanism being biased to retractably engage one of said plurality of uniformly longitudinally spaced-apart pairs of diametrically opposed apertures for locking said first hollow arm in any of a plurality of positions relative to said second hollow arm, said plurality of positions allowing the apparatus to be used with door frames having a plurality of dimensions.

10. (Currently Amended) An apparatus for setting and maintaining the dimensions of a door frame having opposing first and second sidewalls, comprising:

a first extension assembly, said first extension assembly including a first head plate including a first facing edge, said first facing edge of said first head plate for engagement with a first sidewall of the door frame;

a second extension assembly, said second extension assembly including a second head plate including a second facing edge, said second facing edge of said second head plate for engagement with a second sidewall of the door frame opposite the first sidewall of the door frame, said second extension assembly being adjustably engageable with said first extension in a manner whereby the distance between said first facing edge and said second facing edge can be varied; and

an adjustment mechanism associated with said first extension assembly and said second assembly to allow the distance between said first facing edge and said second facing edge to be set to a desired one of a plurality of discrete uniformly longitudinally

spaced-apart distances to facilitate the installation of door frames to accommodate doors having one of a plurality of standard widths.

11. (Previously Presented) The apparatus as defined in Claim 14, wherein at least one of said first arm and said second arm includes measuring indicia located thereon.

12. (Original) The apparatus as defined in Claim 11, wherein said measuring indicia are longitudinally spaced at two-inch intervals along said one of said first extension assembly and said second extension assembly.

13. (Cancelled.

14. (Currently Amended) The apparatus as defined in Claim 10, wherein said first extension assembly further comprises a first arm, and wherein said second extension assembly further comprises a second arm, said first arm being connected to said first head plate on a side opposite said first facing edge and said second arm being connected to said second head plate on a side opposite said second facing edge, one of said first and second arms comprising a plurality of uniformly longitudinally spaced-apart indexing apertures and the other of said first and second arms comprising an adjustment mechanism comprising at least one retractably engageable member for selectively releasable engagement with a selected one of said plurality of uniformly longitudinally

spaced-apart indexing apertures to lock said first arm in a corresponding one of a plurality of diserete uniformly longitudinally spaced-apart positions relative to said second arm to thereby establish the distance between said first and second facing edges.

15. (Previously Presented) The apparatus as defined in Claim 14, wherein said first facing edge has a notch located therein for admitting a first doorstop mounted on the first sidewall of the door frame and wherein said second facing edge has a notch located therein for admitting a second doorstop mounted on the second sidewall of the door frame.

16. (Original) The apparatus as defined in Claim 15, wherein said first head plate further includes a positioning finger extending outward from a side of said facing edge in a direction opposite said connection to said first arm, and wherein said second head plate further include a positioning finger extending outward from a side of said facing edge in a direction opposite said connection to said second arm.

17. (Original) The apparatus as defined in Claim 15, wherein said first arm includes a first end and a second end, and wherein said second arm includes a first end and a second end, said first end of said first arm connected to said first head plate at a side opposite said notch and said first end of said second arm connected to said second head plate at a

side opposite said notch, said second end of said first arm adjustably engaged with said second end of said second arm.

18. (Original) The apparatus as defined in Claim 17, wherein at least one of said first arm and said second arm is hollow.

19. (Original) The apparatus as defined in Claim 18, wherein said hollow arm has an inner diameter greater than an outer diameter of the other arm of said first arm and said second arm.

20. (Original) The apparatus as defined in Claim 19, wherein said second end of said first arm is telescopically engaged with said second end of said second arm, at least a portion of one of said second end of said first arm and said second end of said second arm fitting within the other of second end of said first arm and said second end of said second arm.

21. (Currently Amended) The apparatus as defined in Claim 20, wherein one of said first arm and said second arm comprises a plurality of uniformly longitudinally spaced-apart indexing apertures, and wherein the other of said first arm and said second arm further includes a pair of diametrically opposed apertures defined transversely through said second end, an adjustment mechanism being disposed between said pair of

diametrically opposed apertures, at least a portion of said adjustment mechanism being biased to retractably extend through said pair of diametrically opposed apertures and retractably engage said plurality of uniformly longitudinally spaced-apart indexing apertures.

22. (Currently Amended) The apparatus as defined in Claim 21, wherein said retractable engagement of said adjustment mechanism with said plurality of uniformly longitudinally spaced-apart indexing apertures locks said first arm in any of a plurality of uniformly longitudinally spaced-apart positions relative to said second arm, said plurality of uniformly longitudinally spaced-apart positions allowing the apparatus to be used with door frames having a plurality of dimensions.

23. (Currently Amended) The apparatus as defined in Claim 21, wherein said plurality of uniformly longitudinally spaced-apart indexing apertures are diametrically opposed pairs of indexing apertures longitudinally spaced at two-inch intervals along a length of at least one of said first extension assembly and said second extension assembly.

24. (Currently Amended) A method for setting and maintaining the dimensions of a door frame having opposing first and second sidewalls each having a doorstop mounted thereupon, comprising the steps of:

positioning and anchoring a first sidewall of the door frame to a surface;

providing a first head plate including a first facing edge for engagement with a first sidewall of a door frame and a second head plate including a second facing edge for engagement with a second sidewall of the door frame, said first facing edge having a notch located therein for admitting a first doorstop mounted on the first sidewall of the door frame and said second facing edge having a notch located therein for admitting a second doorstop mounted on the second sidewall of the door frame, said first head plate having a first arm connected thereto at a side opposite said first facing edge and said second face plate having a second arm connected thereto at a side opposite said second facing edge, said first and second arms being adjustably engageable to establish a distance between said first facing edge and second facing edge which is one of a plurality of predetermined distances;

abutting said first facing edge of said first head plate against the first sidewall of the door frame with the doorstop on the first sidewall being accommodated within said notch in said first facing edge;

adjusting the engagement of said first and second arms to establish a distance between said first and second facing edges which is equal to the nominal width of a door to be installed in the door frame, said distance being adjustable to any one of a plurality of discreet, uniformly spaced-apart distances;

abutting said first facing edge of said second head plate against the second sidewall of the door frame with the doorstop on the second sidewall being accommodated within said notch in said second facing edge; and

anchoring the second sidewall of the door frame to the surface, the second sidewall being positioned at a precise separation from the first sidewall, as established by said door frame setter apparatus.

25. (Currently Amended) The apparatus as defined in Claim 1, wherein said first and second head plates are arranged and configures configured to that they may be placed into engagement with the first and second sidewalls, respectively, at any position from the bottoms of the first and second sidewalls to a location near the tops of the first and second sidewalls.

26. (Currently Amended) The apparatus as defined in Claim 1, wherein said plurality of discreet uniformly longitudinally spaced-apart distances comprises at least three different nominal standard widths of doors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHILCOT RICHARD can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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